

**AMENDMENTS TO THE DRAWINGS:**

Attached are two replacement drawing sheets. The first replacement drawing sheet including Fig. 1 should replace the original drawing sheet including Fig. 1. Fig. 1 is amended to replace an instance of "26" with --36--. The second replacement drawing sheet including Fig. 2 should replace the original drawing sheet including Fig. 2. Fig. 2 is amended to replace an instance of "2" with --8--, to replace "10" with --12--, to replace "8" with --6a--, to replace "9" with --7a--, to replace "22" with --9--, and to add --10-- with a lead line pointing to the conveyor belt.

## **REMARKS**

Favorable reconsideration is respectfully requested in view of the previous amendments and following remarks.

The amendments to the drawings and specification correct inconsistencies in element numbering.

The Official Action states that claims of the application to lack unity of invention under PCT Rule 13.1. Applicants respectfully traverse.

The Official Action identifies two groups of claims, Group I including Claims 1-19, and Group II including Claims 20-35. The Official Action recognizes that the two claim sets recite a common special technical feature, but goes on to state that the Taggart patent illustrates this special technical feature. Applicants traverse.

It is respectfully submitted that there exists no rule or statute supporting the view that a prior art reference disclosing a special technical feature commonly recited in independent claims of a U.S. National Stage application properly establishes lack of unity of invention. The Official Action cites no such authority. Indeed, it is interesting that the Taggart patent which the Official Action relies upon to show lack of unity of invention is not relied upon in any of the prior art rejections, and in fact is not even cited on Form PTO-892.

Moreover, it is relevant to note that the International Searching Authority did not deem that the claims here lack unity of invention.

For the above reasons, the claims have unity of invention, and it is respectfully requested that the lack of unity of invention finding be withdrawn and Claims 20-35 be examined on the merits.

Claims 1 and 16 are amended as suggested by the Examiner. Withdrawal of the claim objections is therefore respectfully requested.

As amended, Claim 1 recites a device for sterilization in production of packages, which is adapted for sterilization with a gaseous sterilizing agent kept in the gaseous phase throughout the sterilization process, the device comprising a heating zone, a sterilization zone, a venting zone and means for maintaining a higher pressure in the sterilization zone than in the heating zone and venting zone.

In rejecting Claim 1 as being anticipated by Foti, the Official Action appears to take the position that by virtue of the airlocks 40 and 46 in Foti, which appear to isolate the chamber 34 from the adjoining manifolds 48, 82, the pressure in the chamber 34 is above ambient and is thus inherently higher than the pressures in the manifolds 48, 82. Applicants respectfully disagree.

As illustrated in Fig. 1 of Foti, both the intake and the exhaust of blower 12 is connected to the chamber 34. Accordingly, the blower 12 both delivers air to and draws air out of the chamber 34. Thus, the pressure in the chamber 34 is not necessarily or inherently above ambient.

Furthermore, even if the pressure in the chamber 34 were above ambient, Claim 1 calls for something different. That is, Claim 1 calls for a mechanism for maintaining a higher pressure in a sterilization zone than in a heating zone or a venting zone. Thus, what is relevant here is the pressure in the chamber 34 relative to the manifolds 48, 82. Applicants note that the pre-heating intake manifold 82 and the drying air inlet manifold 48 are both connected to a blower 56. Because the blower 12 is arranged so that its intake and exhaust are both connected to the chamber 34, and because the manifolds 48, 82 are both connected to another

blower 56, there is no reasonable basis for concluding that the pressure in the chamber 34 is necessarily or inherently maintained higher than the pressure in the pre-heating intake manifold 82 and the drying air inlet manifold 48.

Accordingly, Claim 1 is allowable over Foti, and withdrawal of the rejection of Claim 1 as being anticipated by Foti is respectfully requested.

In rejecting Claim 1 as also being anticipated by Zelina, the Official Action appears to take the position that since gaseous sterilizing agent is supplied to the decontamination tunnel 11, that the aeration chamber 182 is at a reduced pressure, and that there is nothing in the heating chamber 170 that would increase the pressure within the heating chamber 170, the pressure in the decontamination tunnel 11 is inherently higher than in the aeration chamber 182 and the heating chamber 170. However, Applicants note that Zelina also discloses pumps 176 positioned along exhaust lines 174 to draw the gaseous sterilizing agent out of the decontamination tunnel 11. As Zelina remains silent as to the pressure within the decontamination tunnel 11, or the effects of the exhaust pumps 176 thereon, there is no reasonable basis for concluding that the pressure in the decontamination tunnel 11 is necessarily or inherently maintained higher than the pressure in the aeration chamber 182 and the heating chamber 170.

Accordingly, Claim 1 is allowable over Zelina, and withdrawal of the rejection of Claim 1 as being anticipated by Zelina is respectfully requested.

Claims 1-19 of this application are also rejected on double patenting grounds as being unpatentable over claims 11-20 of U.S. Patent No. 6692684 in view of the disclosures of Foti or Zelina. Foti and Zelina are relied upon for exemplifying means for maintaining a higher pressure in a sterilization zone than in a heating zone and a

venting zone. However, as discussed above in responding to the prior art rejections, neither Foti nor Zelina disclose such an arrangement. Accordingly, it is respectfully requested that the double patenting rejection be withdrawn.

Regarding the provisional double patenting rejection, Applicants will respond as appropriate when the rejection is no longer provisional or when this application is otherwise in condition for allowance.

The dependent claims are allowable at least by virtue of their dependence from allowable independent claims. Thus, a detailed discussion of the additional distinguishing features recited in the dependent claims is not set forth at this time.

Early and favorable action with respect to this application is respectfully requested.

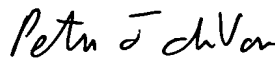
Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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